IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 25430 of 2003

Between:

1 Gundeti Murali, S/o Mallaiah, R/o Godavarikhani village, Ramagundem Mandal, Karimnagar District.
2 Gunda Ravinder, S/o Kashinatham,
R/o Godavarikhani village, Ramagundem Mandal, Karimnagar District.
3 P.Rajakomuraiah, S/o Parashuramulu,
R/o Godavarikhani village, Ramagundem Mandal, Karimnagar District.

..... PETITIONERS

AND

1 The District Revenue Officer, Karimnagar.
2 The Revenue Divisional Officer, Peddapalli, Karimnagar District.
3 The Mandal Revenue Officer, Ramagundam, Karimnagar District.
4 Mekala Gattaiah, S/o Mallaiah,
R/o Kazipalli Village, Ramagundam Mandal, Karimnagar District.
5 Mekala Komuraiah, S/o Mallaiah,
R/o Kazipalli Village, Ramagundam Mandal, Karimnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more in the nature of Writ of Certiorari call for the records relating to the order passed by the 2nd respondent vide No.H/203/2001,dated 12-4-2001 and also the order passed by the I respondent vide No.D1/4467/2001, dated 30-5-2003 and quash the same by duly declaring the orders passed by both the authorities (Primary authority as well as appellate authority are one and the same) as illegal, arbitrary and contrary to the well settled principles of law.

Counsel for the Petitioners: MR.V.RAVI KIRAN RAO

Counsel for Respondents 1 to 3: GP FOR REVENUE

Counsel for the Respondent No.5 : MR.I.AGA REDDY

The Court made the following :

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.25430 OF 2003

ORDER:

Respondents 4 and 5 made an application to the third respondent for rectification of entries in the record of rights. The same was forwarded by the third respondent to the second respondent, who by order dated 12.04.2001, purportedly granted permission to the third respondent to make necessary entries in the revenue records in respect of land comprised in Survey No.167. Aggrieved by the same, the three petitioners herein preferred an appeal before the District Revenue Officer, the first respondent herein. It appears Mr.M.Surendar Rao, who passed orders on 12.04.2001 permitting the third respondent to make necessary entries, himself heard the matter in his capacity as District Revenue Officer under Section 158 of A.P. (Telangana Area) Land Revenue Act, 1317 Fasli and dismissed the appeal of the petitioners, which is the subject matter of the writ petition. Though the interlocutory applications are listed, with the consent of both the learned, the writ petition is heard finally.

The only ground raised in the writ petition apart from the grounds on merits is that the impugned order suffers from principles of natural justice, in that the same Officer, who passed the original order, heard the matter as appellate authority. The submission is not denied by the learned counsel appearing for the respondents 4 and 5 or the learned Government Pleader for Revenue. Therefore, only on that ground, this Court sets aside the impugned order being proceedings No.D1/4467/2001 dated 30.05.2003 and remands the matter to the first respondent for giving fresh disposal within a period of four weeks from the date of receipt of this order.

The writ petition is accordingly disposed of.

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(V.V.S.RAO,J)

30.08.2004.

pln

To

1. The District Revenue Officer, Karimnagar.
2. The Revenue Divisional Officer, Peddapalli, Karimnagar Dist.
3. The Mandal Revenue Officer, Ramagundam, Karimnagar Dist.
4. 2 CCs to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT).
5. 2 CD copies.

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